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Ref No: PF200D1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Meissner et al.

Application Number: 09/393,023

Group Art Unit: 1643

Filed: September 9, 1999

Examiner: TBA

Title: Human Criptin Growth Factor

Attny. Docket No. PF200D1

Declaration of Donna Dimke Under 37 C.F.R. § 1.132

Assistant Commissioner
for Patents
Washington, D.C. 20231

Sir:

1. I, Donna Dimke, hereby declare and state as follows:

2. I am employed by Human Genome Sciences, Inc. (HGS), Rockville, Maryland, assignee of the above-identified application, as Group Leader of Gene Discovery. The work described below was done by myself, under my supervision, or as part of a collaborative research effort with other individuals at HGS.

3. A sequence was derived from the cDNA clone HPTTT24 in American Type Culture Collection (ATCC) Designation No. 97142, which was disclosed in the captioned application in Figure 1 and assigned sequence identifiers SEQ ID NOs: 1-2. This cDNA clone was deposited with the ATCC on May 11, 1995, and given ATCC Designation No. 97142 (identified in Exhibit 3 as ATCC No. 97142). The originally sequenced cDNA clone, HPTTT24 (ATCC Designation No. 97142), was retrieved from the ATCC and the cDNA clone was resequenced.

4. The sequence data originally filed in the captioned application and the resequenced sequence data disclosed in the Substitute Sequence Listing submitted herewith were obtained by sequencing the same respective cDNA clone, HPTTT24 in ATCC Designation No. 97142.

5. The differences in the sequence data between that initially filed in the Sequence Listing (identified in Exhibit 1 as HPTTT24XX) and that disclosed in the Substitute Sequence Listing submitted herewith (identified in Exhibit 1 as HPTTT24XY) are shown in the sequence alignments of the polynucleotide and amino acid sequences attached hereto as Exhibit 2.

6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereupon.

12/8/99

Date

Donna Dimke

Donna Dimke

		10	20	30	
1	MTWRHHVRL	FTVSLALQI	INLGNSYQREK	HPTTT24XX A.A. Seq.	
1	MTWRHHVRL	FTVSLALQI	INLGNSYQREK	HPTTT24XY Seq.	
		40	50	60	
31	HNGGRE	EVTKVATQK	HRQSPLNWTSSHFGE	HPTTT24XX A.A. Seq.	
31	HNGGRG	EVTKVATQK	HRQSPLNWTSSHFGE	HPTTT24XY Seq.	
		70	80	90	
61	VTGSAEGWG	PEEPLPY	SRAFGEGASARPRC	HPTTT24XX A.A. Seq.	
61	VTGSAEGWG	PEEPLPY	SRAFGEGASARPRC	HPTTT24XY Seq.	
		100	110	120	
91	CRNGGTCVL	GSFCVCPAH	FTGRYCEHDQRR	HPTTT24XX A.A. Seq.	
91	CRNGGTCVL	GSFCVCPAH	FTGRYCEHDQRR	HPTTT24XY Seq.	
		130	140	150	
121	SECGALEHG	AWTLRACHLC	RCIFGALHCLP	HPTTT24XX A.A. Seq.	
121	SECGALEHG	AWTLRACHLC	RCIFGALHCLP	HPTTT24XY Seq.	
		160	170	180	
151	LQTPDRCDP	KDFLASHAH	GPSAGGAPSLLL	HPTTT24XX A.A. Seq.	
151	LQTPDRCDP	KDFLASHAH	GPSAGGAPSLLL	HPTTT24XY Seq.	
		190	200	210	
181	LLPCA	-----T	PAPASCARMR	PRTLGPWS	HPTTT24XX A.A. Seq.
181	LLPCA	LLHRLLR	PDAPA-----	HPRSLVPSV	HPTTT24XY Seq.
		220	230		
205	LPSSSGS	-GAPAEGRD	LGI AFNFLCCK.	HPTTT24XX A.A. Seq.	
207	LQRERRPC	GRPGLGHR	L-----	HPTTT24XY Seq.	

Decoration 'Decoration #1': Shade (with solid black) residues that match the consensus named 'Consensus #1' exactly.

XX = as filed
XY = as corrected.

		10	20	30	40	
1	A T G C A G A A G A C T C T T C A A G A T T C A G C T T T C C T G G A A A C T G					HPTTT24XX
1	G - - - - -					HPTTT24XY
		50	60	70	80	
41	A T C T T C A A T G C A C T A A G A G A A G G A G A C T C T C A A A C C C A A A					HPTTT24XX
2	- - - - - G T A T C G A T A A G C T T G A T					HPTTT24XY
		90	100	110	120	
81	A A T G A C C T G G A G G C A C C A T G T C A G G C T T C T G T T T A C G G T C					HPTTT24XX
19	T A T G A C C T G G A G G C A C C A T G T C A G G C T T C T G T T T A C G G T C					HPTTT24XY
		130	140	150	160	
121	A G T T T G G C A T T A C A G A T C A T C A A T T T G G G A A A C A G C T A T C					HPTTT24XX
59	A G T T T G G C A T T A C A G A T C A T C A A T T T G G G A A A C A G C T A T C					HPTTT24XY
		170	180	190	200	
161	A A A G A G A G A A A C A T A A C G G C G G T A G A G A G G A A G T C A C C A A					HPTTT24XX
99	A A A G A G A G A A A C A T A A C G G C G G T A G A G G G G A A G T C A C C A A					HPTTT24XY
		210	220	230	240	
201	G G T T G C C A C T C A G A A G C A C C G A C A G T C A C C G C T C A A C T G G					HPTTT24XX
139	G G T T G C C A C T C A G A A G C A C C G A C A G T C A C C G C T T A A C T G G					HPTTT24XY
		250	260	270	280	
241	A C C T C C A G T C A T T T C G G A G A G G T G A C T G G G A G C G C C G A G G					HPTTT24XX
179	A C C T C C A G T C A T T T C G G A G A G G T G A C T G G G A G C G C C G A G G					HPTTT24XY
		290	300	310	320	
281	G C T G G G G G C C G G A G G A G C C G C T C C C C T A C T C C C G G G C T T T					HPTTT24XX
219	G C T G G G G G C C G G A G G A G C C G C T C C C C T A C T C C C G G G C T T T					HPTTT24XY
		330	340	350	360	
321	C G G A G A G G G T G C G T C C G C G C G G C C G C G C T G C T G C A G G A A C					HPTTT24XX
259	C G G A G A G G G T G C G T C C G C G C G G C C G C G C T G C T G C A G G A A C					HPTTT24XY
		370	380	390	400	
361	G G C G G T A C C T G C G T G C T G G G C A G C T T C T G C G T G T G C C C G G					HPTTT24XX
299	G G C G G T A C C T G C G T G C T G G G C A G C T T C T G C G T G T G C C C G G					HPTTT24XY
		410	420	430	440	
401	C C C A C T T C A C C G G C C G C T A C T G C G A G C A T G A C C A G A G G C G					HPTTT24XX
339	C C C A C T T C A C C G G C C G C T A C T G C G A G C A T G A C C A G A G G C G					HPTTT24XY

	450	460	470	480	
441	C A G T G A A T G C G G C G C C C T G G A G C A C G G A G C C T G G A C C C T C				HPTTT24XX
379	C A G T G A A T G C G G C G C C C T G G A G C A C G G A G C C T G G A C C C T C				HPTTT24XY
	490	500	510	520	
481	C G C G C C T G C C A C C T C T G C A G G T G C A T C T T C G G G G C C C T G C				HPTTT24XX
419	C G C G C C T G C C A C C T C T G C A G G T G C A T C T T C G G G G C C C T G C				HPTTT24XY
	530	540	550	560	
521	A C T G C C T C C C C C T C C A G A C G C C T G A C C G C T G T G A C C C G A A				HPTTT24XX
459	A C T G C C T C C C C C T C C A G A C G C C T G A C C G C T G T G A C C C G A A				HPTTT24XY
	570	580	590	600	
561	A G A C T T C C T G G C C T C C C A C G C T C A C G G G C C G A G C G C C G G G				HPTTT24XX
499	A G A C T T C C T G G C C T C C C A C G C T C A C G G G C C G A G C G C C G G G				HPTTT24XY
	610	620	630	640	
601	G G C G C G C C C A G C C T G C T A C T C T T G C T G C C C T G C G C A A C T C				HPTTT24XX
539	G G C G C G C C C A G C C T G C T A C T C T T G C T G C C C T G C G C A - C T C				HPTTT24XY
	650	660	670	680	
641	C T G C A C C G G C C T C C T G C G C C C G G A T G C G C C C G C G C A C C C T				HPTTT24XX
578	C T G C A C C G - C C T C C T G C G C C C G G A T G C G C C C G C G C A C C C T				HPTTT24XY
	690	700	710	720	
681	C G G T C C C T G G T C C C T T C C G T C C T C C A G C G G G A G C G G C G C C				HPTTT24XX
617	C G G T C C C T G G T C C C T T C C G T C C T C C A G C G G G A G C G G C G C C				HPTTT24XY
	730	740	750	760	
721	C C T G C G G A A G G C C G G G A C T T G G G C A T C G C C T T T A A T T T T C				HPTTT24XX
657	C C T G C G G A A G G C C G G G A C T T G G G C A T C G C C T T T A A T T T T C				HPTTT24XY
	770	780	790		
761	T A T G T T G T A A A T A A				HPTTT24XX
697	T A T G T T G T A A A T A A				HPTTT24XY

Decoration 'Decoration #1': Shade (with solid black) residues that match the consensus named 'Consensus #1' exactly.



American Type Culture Collection

12301 Parklawn Drive • Rockville, MD 20852 USA • Telephone: (301)231-5520 Telex: 898-055 ATCCNORTH • FAX: 301-770-2587

Exhibit 3
Page 1 of 1

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3 AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Human Genome Sciences, Inc.
Attention: Robert H. Benson
9410 Key West Avenue
Rockville, MD 20850

Deposited on Behalf of: Human Genome Sciences, Inc.

Identification Reference by Depositor:

ATCC Designation

DNA Plasmid, 438,845 (HGS Docket PF165)
DNA Plasmid, 635,860 (HGS Docket PF200)

97141
97142

The deposits were accompanied by: a scientific description a proposed taxonomic description indicated above.

The deposits were received May 11, 1995 by this International Depository Authority and have been accepted.

AT YOUR REQUEST:

☒ We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years after the date of deposit, and for a period of at least five years after the most recent request for a sample. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested May 18, 1995. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Rockville, Md. 20852 USA

Signature of person having authority to represent ATCC:


Annette L. Bade, Director, Patent Depository

Date: May 22, 1995

cc: Greg D. Ferraro